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A Professional Corporation
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

<p>EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,</p> <p>Plaintiff,</p> <p>and</p> <p>MARTHA NYAKIM GATKUOTH,</p> <p>Intervenor-Plaintiff</p> <p>-against-</p> <p>TAVERN ON THE GREEN LTD. P'SHIP (D/B/A TAVERN ON THE GREEN),</p> <p>Defendant.</p>	<p><u>EFC CASE</u></p> <p>Civil Action No. 07 CV 8256 (CM) (AJP)</p> <p>DECLARATION OF A. MICHAEL <u>WEBER</u></p>
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A. Michael Weber, an attorney duly admitted to this Court, hereby declares under penalty of perjury as follows:

1. I am an shareholder with the firm of Littler Mendelson, P.C., attorneys of record for the Defendant in this action. I submit this declaration and the documents annexed thereto in support of Defendant's Motion for Leave to Amend.

2. On March 25, 2008, I sent counsel for Plaintiff and counsel for Intervenor-Plaintiff proposed stipulations and proposed Amended Answers.

3. On March 28, 2008, in a good faith effort to resolve the issues raised by the Motion for Leave to Amend, I conferred with Plaintiff's counsel Kam Wong; Ms. Wong declined to consent to the proposed amendments.

4. Derek Wolman, Esq. was not reachable and, thus, I have not received a response from counsel representing Intervenor- Plaintiff regarding Defendant's proposed amendments.

5. Attached hereto as **Exhibit A** are true and accurate copies of Defendant's proposed Amended Answers.

6. Attached hereto as **Exhibit B** is a true and accurate copy of the United States Supreme Court decision granting certiorari of the Second Circuit decision in *Pyett v. Pennsylvania Bldg. Co.*, 498 F.3d 88 (2d Cir. 2007).

7. Attached hereto as **Exhibit C** is a true and accurate copy of *Pyett v. Pennsylvania Bldg. Co.*

Dated: March 28, 2008

s/ A. Michael Weber
A. Michael Weber